

Greenbaum Rowe
Smith & Davis LLP
COUNSELORS AT LAW
75 LIVINGSTON AVENUE
SUITE 301
ROSELAND, NJ 07068-3701
(973) 535-1600 FAX (973) 535-1698

WOODBIDGE OFFICE:
METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBIDGE, NJ 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVENUE SOUTH
ISELIN, NJ 08830-2712

ROBERT M. GOODMAN
(973) 577-1770 - DIRECT DIAL
(973) 577-1771 - DIRECT FAX
RGOODMAN@GREENBAUMLAW.COM

INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

NEW YORK OFFICE:
750 THIRD AVENUE
9TH FLOOR
NEW YORK, NY 10017
(212) 847-9858

July 7, 2017

VIA ECF AND REGULAR MAIL

Honorable Claire C. Cecchi, U.S.D.J.
United States District Court
Martin Luther King, Jr.
Federal Building & Courthouse
Room 2060
50 Walnut Street
Newark, New Jersey 07102

Re: *In re Biogen '755 Patent Litigation*,
Civil Action No. 2:10-cv-02734-CCC-JBC

Dear Judge Cecchi,

I write on behalf of all parties regarding the case schedule. As noted in the parties' joint letter dated July 3, 2017, the parties have agreed that argument on Bayer and Serono's motions for summary judgment should be held on August 10 and 11, 2017.

As explained below, the parties have reached agreement regarding additional scheduling matters, including the proposed date for trial and which motions for summary judgment should be argued on each hearing date.

The parties propose that the motions for summary judgment be divided between the two argument dates as follows, with the order within each day to be determined by Your Honor:

- **Thursday, August 10, 2017**
 - Bayer Motion No. 4 (anticipation by the Goeddel patent)
 - Serono Motion No. 1 (obviousness under Section 103)
 - Serono Motion No. 2 (lack of enablement and written description)
 - Bayer Motion No. 3 (lack of written description)

Greenbaum Rowe
Smith & Davis LLP

Honorable Claire C. Cecchi, U.S.D.J.

July 7, 2017

Page 2

- **Friday, August 11, 2017**
 - Bayer Motion No. 1 (double patenting)
 - Bayer Motion No. 2 (anticipation by the treatment references)
 - Bayer Motion No. 6 (anticipation by the Weissmann patent)
 - Bayer Motion No. 5 (partial summary judgment on damages)

Should trial prove necessary, the parties agree that trial should begin on Monday, January 22, 2018. Should the Court grant severance, Bayer and Biogen request that the Court schedule the Bayer trial to commence in mid-April 2018 or on another mutually convenient date.

Several witnesses for each party have scheduling conflicts during some of the period from mid-January through February. To allow the trial to commence on January 22, 2018, the parties agree to make reasonable efforts to accommodate those conflicts, including by allowing witnesses to testify out of turn. The parties will make every effort to minimize any disruption such accommodations may cause.

On the June 28 call, the Court indicated that upcoming pretrial deadlines were suspended in light of the revised trial date. The parties will confer regarding a detailed pretrial schedule and will present a proposed schedule to the Court by Wednesday, July 12.

Respectfully submitted,

GREENBAUM, ROWE, SMITH & DAVIS LLP

/s/ Robert M. Goodman

RMG/TKM

ROBERT M. GOODMAN

cc: Counsel of Record (via ECF)